

REMARKS/ARGUMENTS

Claims 1, 3-13 and 16-35 are active in this application, claims 2, and 14-15 having been cancelled. Claim 1 has been amended to include the limitations of claim 2. Claim 8 has been amended to include the limitations of claim 14. Claims 9-12 have been amended to remove the “preferred” recitations, with those “preferred” ranges forming the basis for new claims 28-35. No new matter has been added by these amendments.

Applicants would like to thank Examiner George for the indication that the present application contains allowable subject matter.

Claims 8-13 stand provisionally rejected for obviousness-type double patenting over claims 11 and 13-16 of copending application 10/522,778. Claim 1 stands provisionally rejected for obviousness-type double patenting over claim 1 of copending application 11/039,871. Claims 1 and 17 stand rejected for obviousness-type double patenting over claims 1 and 8 of US patent 7,371,337. These rejections are each obviated by the present amendments which add the limitations of claim 2 to claim 1 and the limitations of claim 14 to claim 8. As neither of claim 2 nor claim 14 were included in these obviousness-type double patenting rejections, the amendment obviates the rejections and they should be withdrawn.

Claims 9-12 stand rejected under 35 U.S.C. 112, second paragraph, due to the inclusion of “preferred” ranges. This rejection has been obviated by the present amendment, which removes the “preferred” ranges from these claims, and adds new claims 28-35 drawn to the various preferred ranges.

The rejection of claims 16, 18, 20, 22-24 and 26 is respectfully traversed on the grounds that the methods recited do have a positive recitation of a method step. In particular, claim 16 recites “adding the composition as claimed in claim 1 to a sunscreen formulation”. This is a positive method step. Likewise, claims 18, 20, 22-24 and 26 each require “adding the composition as claimed in claim 1” to various compositions and methods. These are all

positive method steps. Accordingly, these claims are proper method claims and as such, the rejection should be withdrawn.

The application is now believed to be in condition for allowance, and early notification of such action is earnestly solicited.

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A handwritten signature in black ink, appearing to read "J. Derek Mason", is written over a horizontal line.

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